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THE WHITE HOUSE

WASHINGTON

August 9, 1983

Executive Registry

83-4043

MEMORANDUM FOR THE HONORABLE GEORGE P. SHULTZ
The Secretary of StateTHE HONORABLE CASPAR W. WEINBERGER
The Secretary of DefenseTHE HONORABLE WILLIAM FRENCH SMITH
The Attorney GeneralTHE HONORABLE WILLIAM J. CASEY
The Director of Central Intelligence

SUBJECT: Counter-Terrorism (U)

On July 28, 1983, the President issued a public statement condemning the terrorist attack in Lisbon. In his statement (Tab A), the President calls for more effective measures to eliminate the threat of terrorism. (U)

In order to implement the President's commitment, we should have a coherent strategy for diplomatic approaches on the issue--and simultaneously demonstrate the resolve of the USG to address the problem of terrorism. To this end, and in accord with the provisions of NSDD-30, we should urgently undertake the following actions:

- o The Secretary of State, in concert with the Secretary of Defense, the Attorney General, and the Director of OMB, will develop a legislative strategy aimed at early enactment of the following legal instruments: (C)
 - Implementation of the provisions of the Montreal Convention on acts against civil aviation.
 - Implementation of the provisions of the International Convention on the Taking of Hostages.
 - Authorization and appropriations requisite to training foreign law enforcement counter-terrorism units as provided for in amendments to the Foreign Assistance Act.
 - Legal authority and resources to assist state and local jurisdictions in providing protection for foreign officials in the United States.
 - Authority for the payment of rewards for information on international terrorists.

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- The Secretary of State, in coordination with the Director of Central Intelligence, should develop a plan for diplomatic approaches for foreign governments regarding cooperative measures to counter terrorist threats and organizations. In accord with the President's statement, this plan should include appropriate overtures for use by the President to other heads of state. This action plan should be available by September 1, 1983. (S)
- The Secretary of State, in coordination with the Secretary of Defense and the Director of Central Intelligence, should evaluate the potential for terrorist action aimed at disrupting the deployment of U.S. INF assets. If warranted, a conference of emergency action coordinators should be convened to review procedures and contingency plans. This determination should be forwarded September 7, 1983. (S)
- The Director of Central Intelligence, in concert with the Secretaries of State and Defense, Attorney General, and Director, OMB, should review current threats and capabilities to determine whether a new counter-terrorism finding is required. If a new finding is indicated, action should be taken to forward it for review by the NSPG by September 15, 1983. (S)

FOR THE PRESIDENT:


William P. Clark

cc: The Vice President
David Stockman, Director, OMB
GEN John W. Vessey, Chairman, JCS

Attachments

- Tab A - Presidential Statement of July 28, 1983
- Tab B - Status of Legislation Affecting Terrorism

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TAB
A

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

July 28, 1983

STATEMENT BY THE PRESIDENT

Yesterday's attack in Lisbon on the residence of the Turkish ambassador to Portugal was only the latest in a series of brutal and increasingly indiscriminate terrorist attacks against Turkish diplomats and other innocent civilians. In yesterday's attack, for which the Revolutionary Armenian Army claims responsibility, the wife of a senior Turkish diplomat was killed and a young child was seriously wounded. Only two weeks earlier, a Turkish diplomat was murdered outside his home in Brussels, and one day later seven other individuals were killed as they waited to board a Turkish airliner in Paris. No real or imagined grievance could possibly justify these modern day horrors.

On behalf of the people and government of the United States, I extend the deepest sympathy to the Turkish government and to the families of the victims of this attack. But more than sympathy is required. This senseless violence must cease. To that end, I will be speaking to other heads of state in the days ahead regarding urgent and more effective cooperative measures to eliminate from the civilized community such barbaric and inhuman acts.

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TAB

B

STATUS OF LEGISLATION AFFECTING TERRORISM

1. Legislation to implement U.S. adherence to the Montreal Convention on the Suppression of Unlawful Acts Against the Safety of Civil Aviation.

The Department of State, the Department of Justice, and the Federal Aviation Administration have proposed legislation which would provide for implementation of the Montreal Convention. This proposal is in response to the obligation the United States incurred when the Convention entered into force for us. The Convention requires that contracting states establish jurisdiction over certain offenses, including damaging or destroying aircraft or air navigation facilities, or committing violence against the safety of the aircraft. The bill would also provide for extra-territorial jurisdiction in certain instances, and, in this regard, is similar to existing legislation enacted to implement the conventions on aircraft hijacking, protection of diplomats, and attacks on nuclear facilities. An omnibus bill (HR 380) also contains provisions for this purpose. What is needed, however, is stand alone legislation solely to permit full U.S. compliance with the convention. The proposed legislation for this purpose was transmitted by State to OMB by letter of June 8, 1983.

2. Legislation to implement the International Convention Against the Taking of Hostages. The President signed the instrument ratifying this convention on September 4, 1981.

Proposed legislation was transmitted to OMB by the Department of State by letter of June 8, 1983. Prompt introduction and early enactment of this legislation will enable us to discharge our international obligations under the Hostages Convention and will assist us in securing the cooperation of all nations in combatting terrorism. Under the Convention, our internal law must provide sanctions against those who commit the offense of hostage-taking as defined in the Convention. In essence, the proposed legislation amends the federal kidnapping in which a threat is made to kill, injure, or continue to detain the victim in order to compel a third party to do or abstain from taking action. The bill would also prohibit attempted hostage-taking and would provide for extraterritorial jurisdiction in certain instances. In this regard, the proposal is similar to legislation enacted to implement the conventions on aircraft hijacking, protection of diplomats, and attacks on nuclear facilities.

3. Training of Foreign Law Enforcement Officials to Deal with Terrorist Attacks.

The President approved in July 1981 an initiative to train foreign law enforcement officials to deal with various kinds of terrorist attacks. The President's proposal was submitted to the Congress as an amendment to the Foreign Assistance Act together with a request for \$5 million to initiate the program. Both authorizing committees acted favorably but the Foreign Assistance Act was not voted on in 1982. The Senate Appropriations Committee included funds in the Continuing Resolution but receded when the House was unwilling to include it. The situation is similar this year. Both authorizing committees have approved identical provisions. The Senate Appropriations Committee (Kastens) is again favorable. The House (Long) has not been willing to act favorably so far, but a majority of his sub-committee appear to be favorable.

4. Protection of Foreign Officials in the United States.

The Administration proposed legislation in 1982 to assist state and local jurisdictions to protect foreign officials. The Senate Foreign Relations Committee acted favorably but the House did not. A different proposal was submitted this year with the same objective of assisting state and local jurisdictions. Both the Senate and House authorizing committees have acted favorably and the House has also approved the proposal contained in the State Department authorization. The Senate has not acted. Unfortunately, neither the House Appropriations Subcommittee (Neil Smith of Iowa) or the Senate (Laxalt of Nevada) has included funds to carry out the authorization. Both are reluctant to assist the states in carrying out the USG obligations under the Vienna Conventions for fear the cost will escalate. Both seem willing, however, if the authorizing committees would approve very tight restrictions on what financial assistance the USG will provide to the states.

5. Rewards for Information on International Terrorists.

The Interdepartmental Group on Terrorism (IG/T) agreed in December 1982 on a legislative proposal to offer rewards for information leading to the arrest and/or conviction of persons committing international terrorist acts. Similar authority already exists for terrorist acts committed within the jurisdiction of the U.S. The Secretary of State, in consultation with the Attorney General, would pay the rewards. This IG/T proposal is pending formal clearance through the OMB process. Prompt action would permit us to cooperate more fully with other governments on tracking down and apprehending international terrorists.